

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

Joshua Wright, :  
Plaintiff, :  
v. :  
The Rector and Visitors of George  
Mason University *et al.*, :  
Defendants. :  
Case No. 24-cv-00002-PTG-IDD

**DEFENDANT'S RULE 12(b)(1) MOTION TO DISMISS THE AMENDED COMPLAINT  
AND MOTION FOR STAY PENDING RESOLUTION OF THIS MOTION**

Defendant<sup>1</sup> by and through counsel, moves pursuant to Fed. R. Civ. P. 12(b)(1) to dismiss Plaintiff's amended complaint.

The grounds for the motion are as follows:

1. Plaintiff's sole claim for injunctive and declaratory relief under § 1983 against Defendant in his official capacity is barred by sovereign immunity. As the alleged constitutional violation has ended, there is no prospective injunctive or declaratory relief that the Court could provide and any retrospective relief is barred by sovereign immunity.

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<sup>1</sup> Dr. Thomas Bluestein, in his official capacity, is the only remaining defendant in this case.

2. To the extent Plaintiff could articulate some prospective injunctive or declaratory relief, Plaintiff lacks standing to seek that relief, or in the alternative, the claim for injunctive and declaratory relief is moot. As such, the Court lacks subject matter jurisdiction.
3. Defendant requests a stay of discovery pending resolution of this motion. Sovereign immunity protects states from the burdens of litigation, and, therefore, it is appropriate for the Court to stay discovery while it resolves Defendant's sovereign immunity and subject matter jurisdiction arguments.
4. Pursuant to Local Rule 7(E), Counsel for Defendant has met and conferred with Counsel for Plaintiff in a good-faith effort to narrow disagreement, and it was not possible to resolve or narrow the disagreement regarding the issues raised in this motion.

The legal arguments outlined above are set forth at length in the accompanying Memorandum of Points and Authorities. This motion is based on the amended complaint filed in this action, this motion, the accompanying memorandum of points and authorities and exhibits thereto, any subsequently filed reply brief and any oral argument presented by Defendant during the hearing for this motion.

November 18, 2024

RESPECTFULLY SUBMITTED

\_\_\_\_\_/s/\_\_\_\_\_

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*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of November 2024, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record in this case.

\_\_\_\_/s/\_\_\_\_\_

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